WP(C) 8993/2003

BEFORE

THE HON’BLE MR. JUSTICE B.K. SHARMA

The petitioner is aggrieved by order dated 18.9.2008 (Annexure-5) issued by the Deputy Director of Employees State Insurance Corporation, where by the petitioner was fastened with liability under the ESI Act, 1948. Section 75 of the ESI Act, 1948 provides for decision by the Employee’s Insurance Court in respect of question or dispute mentioned in the said Section. The writ petition raises the disputed questions regarding discrepancies in respect of the contribution under the provision of ESI Act, 1948.

In paragraph 5 of the writ petition, the petitioner has indicated that the contribution may not be deducted/paid as per the demand made by the respondent No. 3. In paragraph 6 of the writ petition, the petitioner has stated that such illegal demand is beyond the purview of the jurisdiction of the respondent No. 3 and that the respondent No. 3 wrongly assessed the amount in question.

There being alternative remedy to the petitioner as provided in Section 75 of the ESI Act, 1948, about which a submission was made by the learned counsel for the respondent as recorded in the order dated 21.12.2011, I am of the considered opinion that the petitioner may pursue his remedy as provided under Section 75 of the Act. It is ordered accordingly.

Writ petition is disposed of.